

Martin 2012

Effective September 1, 2011

IN THE MARTIN CIRCUIT COURT

51C01-1108-CB-00002

IN THE MATTER OF THE POSTING  
OF BAIL AND THE APPEARANCE  
OF DEFENDANTS IN CRIMINAL  
MATTERS IN MARTIN COUNTY

ORDER ON APPEARANCE OF CRIMINAL DEFENDANTS  
AND THE SETTING OF BAIL IN CRIMINAL CASES

Effective immediately, the following bail procedures shall be in effect for all persons whose appearance is required in the Martin Circuit Court:

1. No Bail Requirement

If the Court has not established bail in a particular case, no bail shall be set in the following cases until such time as the person arrested has been brought before the Court where the criminal charges are filed or are scheduled to be filed:

- (A) When a person has been arrested for Murder, a Class A Felony offense or a Class B Felony offense.
- (B) When a person has been returned to Indiana from another state to face a criminal charge or where a person has been arrested in Indiana as a fugitive from another state.
- (C) When a person has been arrested on a warrant for a failure to appear or for a violation of probation and no bond is provided for in the Court's Order.
- (D) When a person is on probation and has been arrested for the commission of a felony offense.
- (E) When a person is charged as a habitual offender, or is shown to have two (2) prior felony convictions.

2. **Standard Bail Requirement**

A standard bail is hereby set in the following amounts for the offenses described and such bail may be posted by cash or surety:

- (A) Class C Felony offenses - \$50,000.00/\$5,000.00 10%;
- (B) Class D Felony offenses - \$25,000.00/\$2,500.00 10%;
- (C) Class A Misdemeanor offenses - \$20,000.00/\$2,000.00 10%;
- (D) Class B & C Misdemeanor offenses - \$10,000.00/\$1,000.00 10%.

For persons charged with resisting law enforcement or battery to a police officer, the bail shall double.

For persons who reside out-of-state, no 10% cash deposit shall be authorized.

Persons may always post the entire amount of the bond in cash instead of a surety bond.

3. **Computation of Bail Amount**

In those cases where a specific Court ordered bond has not been set, the Sheriff shall compute the standard bond for Class C and Class D Felonies and for Misdemeanor offenses by referring only to the single most serious charge placed against the person. When multiple charges of the same degree are placed against the person, the standard bond for a single offense of that degree shall apply.

4. **Release On Recognizance**

No person who is scheduled to appear in Court shall be released on his or her recognizance without the express authority of the Judge of the Circuit Court.

5. **Notice Regarding Initial Hearing (Including Revocations)**

A person who has posted bail to secure his/her appearance in Court shall be informed by the Sheriff that the person is scheduled to appear in Court for an Initial Hearing and advise the individual of the hearing date. All hearing dates and schedules shall be sent to the Court.

The person shall be further advised that a failure to appear will result in a revocation of bail and the issuance of an arrest warrant for failure to appear.

6. **Domestic Violence Offenses – Holding Period**

Domestic Violence offenses shall include the felony or misdemeanor offenses of battery, intimidation, confinement, invasion of privacy or for any violation of a Protective Order.

All persons arrested for domestic violence offenses shall not be released from custody until 18 hours have elapsed from the time that they were booked in jail.

Persons arrested for a second or subsequent Domestic Violence Offense shall be held without bail until the Initial Hearing.

7. **Violent Crime – No Contact with Victim**

If the defendant is charged with committing a violent crime (as defined in IC 5-2-6.1-8) that results in bodily injury to a person, then as a condition of bail the Defendant shall refrain from any direct or indirect contact with the victim:

(1) for ten (10) days after release; or

(2) until the initial hearing;

whichever occurs first.

8. **Procedure When No Bail Posted**

Unless otherwise advised by a Court, any person arrested for a criminal offense who has not posted bail shall be brought by the Sheriff to Court on the first working day following the day of his or her arrest for the purpose of an Initial Hearing. If the prosecuting attorney advises the Court that more time is required to evaluate the case and determine whether charges should be filed, the Court may continue the Initial Hearing for up to seventy-two (72) hours.

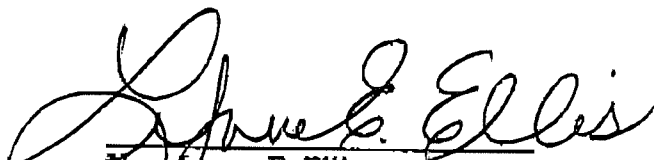
9. Duty of Recording Bail Information

All original documentation regarding the posting of bail shall be submitted to the Clerk and the Clerk of the Court shall be responsible for entering the information on the Chronological Case Summary.

10. Disposition of Cash Deposits

The Court, for good cause shown may allow the Defendant to execute a bail bond by depositing cash or sureties with the Clerk of the Court in an amount not less than 10% of the bail required by the Court. The Clerk shall retain the 10% so deposited for the publicly-paid costs of representation as authorized by Indiana Code 35-33-8-3.2 as amended.

The Clerk shall also retain from the deposit the fines, costs, fees and restitution as provided for by order of Court or by law.

  
Hon. Lynne E. Ellis  
Judge, Martin Circuit Court

8/30/2011

  
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